

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 06-CR-320

DAVID OLOFSON,

Defendant.

**ORDER RE: DEFENDANT'S MOTION TO EXTEND TIME
TO FILE PRETRIAL MOTIONS**

Currently pending before the court is defendant David Olofson's ("Olofson") motion to extend the time by which to file pretrial motions. At Olofson's arraignment a scheduling order was issued calling for all pretrial motions to be filed no later than December 26, 2006. According to Olofson's motion, additional time may be needed in order to file a "pretrial discovery motion to view the Olympic Arm, SGW, Model CAR-AR, Serial No. F7079." (Mot. ¶ 5.) Olofson "may also need to file a motion to appoint an expert to assist him in his case." (Mot. ¶ 6.) Finally, Olofson asserts that "upon reviewing the discovery in the above matter, it was determined that Attachment A to the search warrant was not forwarded by the U.S. Attorney's office. [Olofson's counsel] has attempted to contact the U.S. Attorney's office on this issue but has not heard back from them." (Mot. ¶ 7.) Thus, Olofson requests that the deadline for filing pretrial motions be extended by thirty (30) days, to wit, until January 25, 2007. For the reasons set forth below, Olofson's motion will be granted in part and denied in part.

First of all, the final pretrial in this case is currently scheduled to be conducted on February

13, 2007, and the trial is scheduled to commence on February 20, 2007, before the Honorable J.P. Stadtmueller. To grant Olofson the extension of time that he seeks would mean that his motions (were any to be filed) would not even be fully briefed until a day or so prior to the final pretrial. Such would not afford this court adequate time to consider the motions and issue an appropriate order or recommendation thereon.

Furthermore, it strikes me that counsel should be able to obtain a copy of Exhibit A from the government in fairly short order. Moreover, it is unlikely that a motion will be needed in order for defendant's counsel to view the firearm involved in this case. To the contrary, he should be able to view it pursuant to the government's open file policy. See Crim. L.R. 16.1(a). Finally, whether to file a motion to appoint an expert should not reasonably take another thirty days to decide.

In conclusion, Olofson's motion to extend for an additional thirty days the time by which he must file pretrial motions will be denied. However, the court will grant him a short extension of time by which he must do so. Specifically, Olofson will be granted until January 5, 2007 by which to file pretrial motions.

NOW THEREFORE IT IS ORDERED that the defendant's motion to extend the time to file pretrial motions be **GRANTED IN PART AND DENIED IN PART**;

IT IS FURTHER ORDERED that the defendant (indeed either party) shall file any pretrial motions on or before January 5, 2007; responses shall be filed on or before January 16, 2007; replies shall be filed on or before January 22, 2007.

SO ORDERED this 27th day of December 2006, at Milwaukee, Wisconsin.

s/ William E. Callahan, Jr.
WILLIAM E. CALLAHAN, JR.
United States Magistrate Judge